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It seems indeed impossible for British naturalists to keep themselves informed of the work done in this country. We have long hoped that some of the English journals of science would endeavor to remedy this by getting some active American scientist to furnish them from time to time with a *résumé* of American contributions.

We would not have this criticism seem too severe. The intent, if not declared aim, of the book is to give to the British reader a clear idea of the historical geology and palæontology of his own island, with a certain amount of information concerning that of other regions where he is likely to be led, with scarcely more than accidental reference to many important facts which might have unavoidably swelled the volume to an inconvenient size. To the American student this volume may serve very well to complement the manual of Professor Dana, as it is as full of information about the European as the latter is about our American rocks.

It may not be inopportune to recall here the influence exerted upon the study of geology in this country by the journeys of Sir Charles Lyell. By his contact with many American students, who were stimulated to activity by his influence, he did more than any European has done, except Agassiz, to affect for the better the scientific spirit of this country, while by his example he directed the attention of many of his countrymen towards the study of American geology. The charming narratives of these journeys are now out of print. We wish the author could be induced to visit us once more, were it only to see the result of the rapid development of science during the last two decades, — a result which his own labors have had so creditable a share in producing.

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11. — *Commentaries on the Laws of England, in Four Books*, by SIR WILLIAM BLACKSTONE, Knight, one of the Justices of his Majesty's Court of Common Pleas. Together with such Notes of enduring Value as have been published in the several English Editions. And also a copious Analysis of the Contents; and additional Notes with References to English and American Decisions and Statutes, to date, which illustrate or change the Law of the Text; also, a full Table of Abbreviations, and some Considerations regarding the Study of the Law. By THOMAS M. COOLEY, Jay Professor of Law in the University of Michigan, and Author of "Constitutional Limitations." 2 vols. 8vo. Chicago: Callaghan and Cockroft. 1871.

"THE Commentaries of Mr. Justice Blackstone," says the author of the present edition, "have now for more than a century been the

wonder and delight of persons whose curiosity or interest have led them to investigate the Constitution and laws of Great Britain, the condition of things from which they grew, and the reasons upon which they rest. Lapse of time does not seem to diminish their attractions or to lessen materially their practical value." This opinion of one of the most intelligent judges of our day, an opinion which ninety-nine lawyers out of a hundred would cordially echo, is strangely in contrast with other criticism which is, to say the least, entitled to equal respect. Austin, in the "outline" of his lectures on Jurisprudence, says: "Neither in the general conception, nor in the detail of his book, is there a single particle of original and discriminating thought. He had read somewhat (though far less than is commonly believed), but he had swallowed the matter of his reading, without choice and without rumination. He owed the popularity of his book to a paltry but effectual artifice, and to a poor, superficial merit. He truckled to the sinister interests and to the mischievous prejudices of power; and he flattered the overweening conceit of their national or peculiar institutions, which then was devoutly entertained by the body of the English people, though now it is happily vanishing before the advancement of reason. And to this paltry but effectual artifice he added the allurements of a style which is fitted to tickle the ear, though it never or rarely satisfies a severe and masculine taste. For that rhetorical and prattling manner of his is not the manner which suited the matter in hand. It is not the manner of those classical Roman jurists who are always models of expression, though their meaning be never so faulty. It differs from their unaffected, yet apt and nervous style, as the tawdry and flimsy dress of a milliner's doll from the graceful and imposing nakedness of a Grecian statue."

In estimating the value of these two criticisms, it must be borne in mind that they regard Blackstone from two different points of view. The ordinary lawyer's interest in the *Commentaries* depends upon their value to him as a compendium of the law; Austin's interest in them was that of a philosophical inquirer into fundamental principles. Of course it is quite true that no thoroughly good system of positive law can be based on incoherent and unphilosophical principles; but, on the other hand, no English or American lawyer can doubt that a system may exist for centuries and suffice for the wants of a nation, and maintain an organic and useful growth, without having any philosophical foundation at all. Such a system was the English, with its confused medley of Roman, British, Saxon, Norman, and modern principles, and the real work performed by Blackstone in his *Commentaries* consisted in educating a semblance of order out of this confusion; he did indeed

attempt a scientific arrangement, but writing for a people which cared little for science, the fatal defects in that part of his work attracted small attention, while the value of his lectures as a compendium was immediately felt. Some one has said that the old English lawyer's idea of a good law book was "a chaos, with a good index." Blackstone may be said to have furnished England with a good index to the great chaos of the whole law. For however superior Sir Matthew Hale may have been to him in knowledge, he lacked what his successor and imitator certainly had, — effectiveness; Blackstone secured and held the attention of his audience.

We say this, not with a view to deprecating criticism of Blackstone; the tendency of the scientific study of the law is probably to make his book obsolete; but for the purpose of indicating the reasons for the very different estimates that may still be made of his value by different classes of minds. Austin can find little in him except confusion and error. His "fancy that custom exists as positive law"; his misapprehension of the import of the division between the law of persons and things; his erroneous distinction between law and particular command; his error in supposing that human laws are of no validity, if contrary to Divine laws; his erroneous distinction of civil injuries and crimes; his mixing up *status* with the law of things; the logical inaccuracy of his division of law regarding rights and law regarding wrongs; — such are some of the principal heads of Austin's criticism: a criticism which completely undermines the foundation of Blackstone's whole system. And yet his *Commentaries* have been "the delight and wonder" of the profession to which he belonged for more than a century.

How much of this popularity has been due to a "rhetorical and prattling manner" it is difficult to say. Indeed, it is difficult to understand what Austin means by the latter adjective. His style is artificial enough and rhetorical enough, but we can hardly imagine Blackstone, even off the rostrum, prattling. The chief peculiarities of his style are clearness and rhythm; the first certainly a virtue, the second so systematically employed as to become a vice. His cadences succeed one another with a musical regularity which has helped to make their author popular, though they certainly deserve no credit from those who understand the simple artifice of their construction. It should be noticed also that the rhetorical effect of his style is greatly heightened by the character of the vocabulary, which is to a very remarkable degree Latin. It may please civilians to reflect, if they take any interest in the matter, that the great vindicator of the English institutions borrowed, if not his law, at least his language from Rome. His vocabulary is singularly devoid of Saxon words. His definition of law itself is Latin almost

from beginning to end: "Law, in its most general and comprehensive sense, signifies a rule of action, and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational." This peculiarity accounts in great measure for the pompous effect which the style has to the ear of a generation whose principal writers belong to a school of Saxon renaissance.

Undoubtedly Blackstone's cardinal sin, in the eyes of a modern student, is that he writes with a divided aim. To be a lawyer is not enough for him: he must be a patriot as well. Not satisfied with explaining the British constitution and laws, he must defend them against all comers. For example, the account given of Parliament would naturally lead one to suppose that the division of powers among the King, Lords, and Commons was the result of a carefully constructed system, devised by the early inhabitants of the kingdom, very much like that subsequently adopted at Philadelphia, instead of deriving its existence, as it really did, in part from accident and in part from the vivid imagination of Blackstone himself. The whole work breathes a spirit of patriotic contentment, not of science. But still it may be urged in mitigation of sentence that Blackstone wrote "in the dead waste and middle of the eighteenth century"; he had no opportunity of reading Austin.

Of the work of the present edition we have left ourselves but little room to speak. Judge Cooley is known to the public as the author of a valuable treatise on Constitutional Limitations, and brings to his labors that judicial tact which only the decision of cases can give. The precise value of his notes must be determined, like those of his predecessors, by long use, but that they are valuable is very evident already.

12. — *Words and their Uses. A Study of the English Language.* By RICHARD GRANT WHITE. New York: Sheldon & Co. 1870.

WE are accustomed to boast of our educational progress; in many respects the boast is well founded; and yet there are some branches, and those not unimportant, in which we seem to be positively retrograding. It may be doubted if our young men and women spell as correctly as their fathers; it is certain that they do not speak and write so grammatically. Such expressions as, "like you did," "without he had," which thirty years ago were never heard inside a respectable house, are now often uttered by persons in good social positions, nay, frequently seen in newspapers which have claims to be considered more than average representatives of the press. How far this change for the worse is